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RIGHT ANGLE VENTURES LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

RIGHT ANGLE VENTURES LLC, a
Delaware Limited Liability Company,

Plaintiff,

vs.

THE PEOPLE OF THE STATE OF
CALIFORNIA ex rel. CALIFORNIA
DEPARTMENT OF TRANSPORTATION,
and DOES 1-10,

Defendants.

CASE NO. 2:24-cv-02785

**COMPLAINT FOR INVERSE
CONDEMNATION AND TRESPASS**

JURY TRIAL DEMANDED

1 This is an action for inverse condemnation in which Plaintiff Right Angle Ventures
2 LLC (“Right Angle”) makes the following allegations against The People of the State of
3 California ex rel. California Department of Transportation (“CalTrans”) and DOES 1-10
4 (the “DOE Defendants”). Collectively, CalTrans and the DOE Defendants are referred to
5 herein as “Defendants.”

6 THE PARTIES

7 1. Right Angle is a Delaware limited liability company registered to do
8 business in California. Right Angle’s principal place of business is 15760 Ventura Blvd.,
9 Suite 700, Encino, CA 91436.

10 2. CalTrans is a department of the State of California. CalTrans is
11 headquartered in Sacramento and maintains a district office if Los Angeles County at 100
12 South Main Street, Los Angeles, CA 90012.

13 3. The DOE Defendants are the individuals and entities who planned and/or
14 participated in the activities giving rise to the causes of action set forth below.

15 JURISDICTION AND VENUE

16 4. This is an action for inverse condemnation and trespass involving real
17 property located in Malibu, California.

18 5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
19 1367(a).

20 6. This Court has personal jurisdiction over CalTrans because CalTrans has a
21 local office in this district and because the actions giving rise to this lawsuit were
22 performed by CalTrans in this district. On information and belief, this Court has personal
23 jurisdiction over the DOE Defendants because they reside in Los Angeles and/or because
24 they conducted the tortious actions described below in Los Angeles.

25 7. Venue is proper pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2).

26 THE PROPERTY

27 8. Right Angle owns real property located on Mulholland Highway in the
28 unincorporated area of Malibu (“the Malibu Property”). The Assessor’s Parcel Number

1 (“APN”) for the Malibu Property is 4471-001-025.

2 **BACKGROUND**

3 9. At some point after the 2018 Woolsey Fire, CalTrans installed an apparatus
4 for stormwater drainage on the Malibu Property (the “Installation”). The Installation is a
5 significant interference with Right Angle’s ability to access, use, and develop the Malibu
6 Property because the Installation is on the only portion of the Malibu property that is at
7 street level.

8 10. For a lengthy period after the Woolsey Fire the area where the Malibu
9 Property is located was closed to through traffic. Despite its best efforts, Right Angle did
10 not learn of the Installation until April 23, 2019.

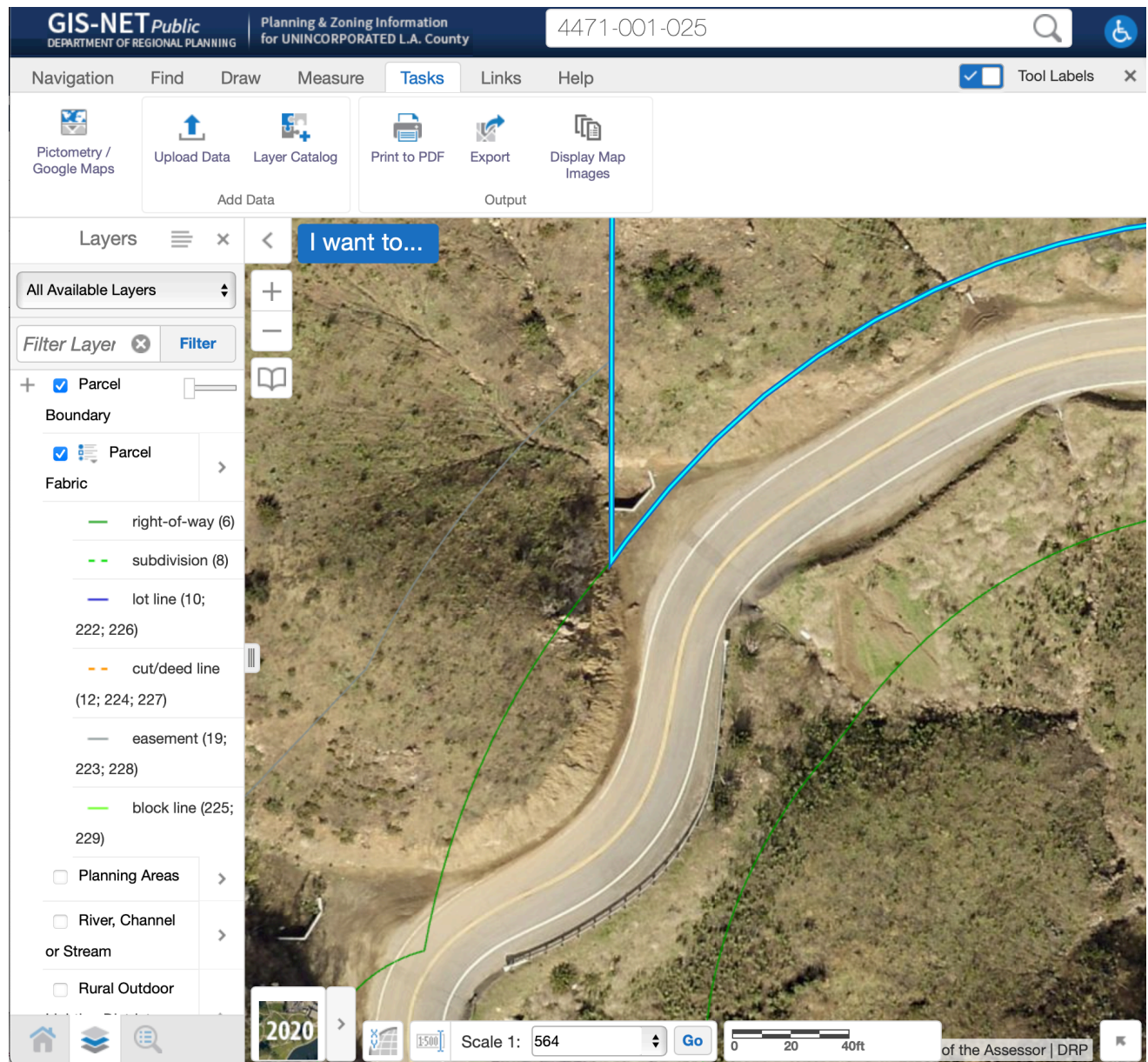
11 11. Right Angle did not give CalTrans permission to do the Installation.

12 12. On information and belief, CalTrans did not have permission from anyone
13 else to do the Installation.

14 13. Over the past few months Right Angle has made numerous attempts to
15 resolve this matter with CalTrans to try to avoid the necessity of filing this lawsuit. For
16 example, Right Angle contacted CalTrans’ Claims Department and was instructed to
17 contact CalTrans’ Public Affairs Department. Right Angle contacted and left detailed
18 voicemails for CalTran’s Public Affairs Department on January 3, January 19 and
19 January 26, 2024 before finally being told that Right Angle could email CalTrans about
20 the issue, which Right Angle promptly did. At all times Right Angle made clear that it
21 was seeking any information in CalTrans’ possession that would show that CalTrans had
22 permission to do the Installation. At no time has CalTrans provided any such information
23 to Right Angle.

24 14. Right Angle also sought the assistance of the California Assemblymember
25 (Jacqui Irwin) who represents the area where the Malibu Property is located.
26 Assemblymember Irwin’s office attempted to obtain this information from CalTrans as
27 well but CalTrans did not provide it. Instead, CalTrans stated that they believed the
28 Installation was not done on the Malibu Property and asked Right Angle to provide the

1 basis for Right Angle's belief that the Installation in fact was done on the Malibu
 2 Property. Right Angle promptly provided evidence to show that the Installation was done
 3 on the Malibu Property, including the following image from Los Angeles County's
 4 official GIS system, and reiterated its request for the basis for CalTrans' position.



27 In the above image, the blue lines show the borders of the Malibu Property. The concrete
 28 walls of the Installation can be seen to be nearly entirely within those blue lines. The

1 green lines in the above image show the scope of CalTrans' "Right of Way," and the
2 Installation can be seen to be entirely outside of that "Right of Way."

3 15. On information and belief, CalTrans still has not provided any evidence to
4 Assemblymember Irwin's office or anyone else to support CalTrans' position.

5 **COUNT I (ALL DEFENDANTS)**

6 **INVERSE CONDEMNATION UNDER FEDERAL LAW**

7 **(U.S. CONSTITUTION, FIFTH AMENDMENT)**

8 16. Plaintiff realleges and incorporates by reference each of the allegations set
9 forth in Paragraphs 1-15.

10 17. The Fifth Amendment of the United States Constitution provides, in
11 pertinent part: "nor shall private property be taken for public use without just
12 compensation." This is known as the Takings Clause.

13 18. The Takings Clause is applicable to the states through the Fourteenth
14 Amendment. *Dolan v. City of Tigard*, 512 U.S. 374, 383 (1994).

15 19. Right Angle owns the Malibu Property.

16 20. CalTrans and the DOE Defendants conducted the Installation on the Malibu
17 Property without permission to do so.

18 21. Right Angle has been damaged by the Installation in an amount believed to
19 be in excess of \$100,000.

20 **COUNT II (ALL DEFENDANTS)**

21 **INVERSE CONDEMNATION UNDER STATE LAW**

22 **(CALIFORNIA CONSTITUTION, ARTICLE I, SECTION 19)**

23 22. Plaintiff realleges and incorporates by reference each of the allegations set
24 forth in Paragraphs 1-15.

25 23. Article 1 section 19 of the California Constitution provides: "Private
26 property may be taken or damaged for public use only when just compensation,
27 ascertained by a jury unless waived, has first been paid to, or into court for, the owner."
28 Inverse condemnation is a constitutional remedy permitting recovery of consequential

1 damages arising from public projects. Foreseeability is not required, and tort concepts
2 like fault or negligence are not applicable. Instead, the government is strictly liable for
3 any physical injury to property substantially caused by a public improvement as
4 deliberately designed and constructed.

5 24. Right Angle owns the Malibu Property.

6 25. CalTrans and the DOE Defendants conducted the Installation on the Malibu
7 Property without permission to do so.

8 26. Right Angle has been damaged by the Installation in an amount believed to
9 be in excess of \$100,000.

10 **COUNT III (ALL DEFENDANTS)**

11 **TRESPASS UNDER STATE LAW**

12 27. Plaintiff realleges and incorporates by reference each of the allegations set
13 forth in Paragraphs 1-15.

14 28. To perform the Installation, CalTrans and the DOE Defendants entered onto
15 the Malibu Property without permission.

16
17 **REQUEST FOR RELIEF**

18 WHEREFORE, Plaintiff respectfully requests the following relief:

- 19 a. That CalTrans and the DOE Defendants compensate Right Angle for the taking
20 of Right Angle's property;
- 21 b. That CalTrans and the DOE Defendants restore the Malibu Property to the
22 condition it was in prior to the Installation;
- 23 c. That CalTrans and the DOE Defendants be ordered to pay all of Right Angle's
24 attorneys' fees and costs associated with this action; and
- 25 d. Any other remedy to which Right Angle may be entitled.
- 26
27
28

1 DATED: April 5, 2024

By: /s/ Perry Goldberg

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JURY DEMAND

Right Angle hereby respectfully requests a trial by jury of all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: April 5, 2024

By: /s/ Perry Goldberg

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